



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 1694-00
29 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 22 June 1999. Shortly after entry on active duty, your reported previously undisclosed history of asthma and treatment therefor, use of inhalant medications, and medical treatment received during the month of June 1999, which would have precluded your enlistment had you been more forthcoming. You were diagnosed with asthma, existed prior to enlistment, not aggravated by service, and recommended for discharge without entitlement to disability benefits administered by the Department of the Navy. You were discharged on 1 October 1999. Following your discharge, the Department of Veterans Affairs denied your claim for disability compensation for asthma, after determining that your condition was not related to your brief period of naval service.

In the absence of evidence which demonstrates that your condition was incurred in or aggravated by your naval service, and which excuses your apparently fraudulent enlistment, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be

furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director